

# PAID FEE(S) TRANSMITTAL

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**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**(571) 273-2885**

NOV 10 2005

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent Application and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 08/10/2005

**Sterne Kessler Goldstein & Fox**  
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**Washington, DC 20005-3934**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/937,604 09/26/2001 Carl J. Wheeler 1530.0310002/EKS/EJH 2136

TITLE OF INVENTION: ADJUVANT COMPOSITIONS AND METHODS FOR ENHANCING IMMUNE RESPONSES TO POLYNUCLEOTIDE-BASED VACCINES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional ~~YES~~ **NO** ~~\$700~~ **1400** \$0 ~~\$700~~ **1400** 11/10/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
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DAVIS, BRIAN J 1621 514-642000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Sterne, Kessler, Goldstein**  
 2 **& Fox P.L.L.C.**  
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**VICAL INCORPORATED**

**San Diego, California**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies **10**

4b. Payment of Fee(s):

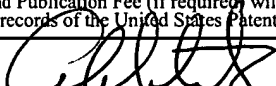
- ☐ A check in the amount of the fee(s) is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **19-0036** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☒ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



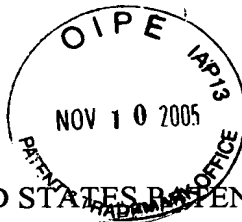
Date **November 9, 2005**

Typed or printed name **Aaron L. Schwartz**

Registration No. **48,181**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Carl J. Wheeler

Appl. No.: 09/937,604

§ 371 Date: September 26, 2001

For: **Adjuvant Compositions and  
Methods for Enhancing Immune  
Response to Polynucleotide-Based  
Vaccines**

Confirmation No.: 2136

Art Unit: 1621

Examiner: Brian J. Davis

Atty. Docket: 1530.0310002/EKS/EJH/ALS

**Notification of Loss of Entitlement to Small Entity Status  
Under 37 C.F.R. § 1.27(g)(2) When Issue Fee is Due**

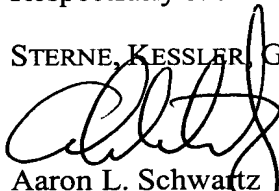
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-captioned application is no longer entitled to small entity status. This notification is being filed prior to paying, or at the time of paying, the issue fee.

Respectfully submitted,

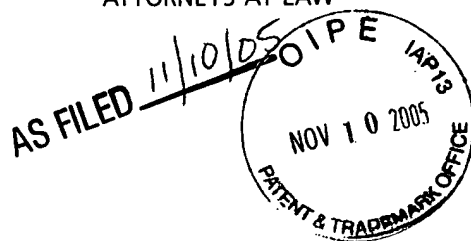
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Date: November 9, 2005

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November 9, 2005

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop Issue Fee**

Re: Allowed U.S. Utility Patent Application  
Appl. No. 09/937,604; § 371 Date: September 26, 2001  
For: **Adjuvant Compositions and Methods for Enhancing Immune  
Responses to Polynucleotide-Based Vaccines**  
Inventor: Carl J. Wheeler  
Our Ref: 1530.0310002/EKS/EJH/ALS

Sir:

In response to the **Notice of Allowance and Issue Fee Due** dated August 10, 2005, the following documents are forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Credit Card Payment Form PTO-2038;
2. Issue Fee Transmittal (Form PTOL-85B);
3. Notification of Loss of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(g)(2) When Issue Fee is Due; and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

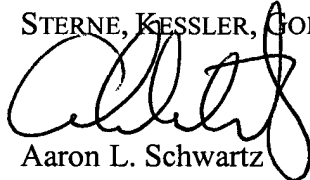
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby

Commissioner for Patents  
November 9, 2005  
Page 2

petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz  
Attorney for Applicant  
Registration No. 48,181

ALS/law  
Enclosures

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